

Application No. 09/626,193
Amdt. Dated 10/12/2004
Reply to Office Action of 07/15/2004

Remarks:

The title of the application has been amended to add the inadvertently omitted word "HAIR". This invention deals with a hair removal device, as abundantly supported throughout the specification and claims. The elected claims deal only with the hair removal device and not the methods of manufacture. The amended title is more descriptive of this invention as described and claimed in this application.

Claims 1 - 63, 70 - 84, and 88 - 115 stand withdrawn from consideration as being directed to a non-elected invention.

Claim 64 is amended herein to more clearly define the invention. New claims 116 - 118 are presented herewith. Reconsideration is respectfully requested of claims 64, 67 - 69, 85 - 87, and 116 - 118.

Rejection under 35 U.S.C. §102(b)

Claims 64, 67, 86, and 87 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,100,506 to Sturtevant et al. Sturtevant, with reference to FIGS. 5 and 6 therein, relates to a micro-planing rasp or file 47 comprising a metal substrate 53 and a plurality of teeth 51 with cutting edges 57 positioned slightly above the plane of the substrate. The teeth 51 are formed in the substrate by first etching away the metal from the rear surface of the substrate, and then bending the etched teeth slightly outwards. As shown in FIG. 5, Sturtevant discloses an array of 200+ teeth.

While the Examiner has broadly characterized the device in Sturtevant as being a "hair removal device" (presumably because the device could, conceivably, be used to remove hair), we note that the device is not configured for hair removal as typically understood by those skilled in the art of shaving and razors. Instead, because of the arrangement and shape of the teeth directed toward the workpiece, it appears that attempting to use the device in Sturtevant as a razor (i.e., drawing it across the skin to

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remove hair) would significantly damage the skin. In other words, if used as a razor, the rasp- or file-like device in Sturtevant would remove skin in addition to hair.

Accordingly, Claim 64 has been amended to make it clear that the hair removal device of the present invention functions in the manner of a "normal" razor. The device in Sturtevant, which is specifically directed to cutting shavings from wood or other work pieces, could not.

Rejection under 35 U.S.C. §103(a)

Claims 68 and 69 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sturtevant. Here, the Examiner contends that because Sturtevant discloses a large array of teeth, it would have been obvious to have a greater number of teeth (Claim 68 specifies at least 500 micro-blades while Claim 69 specifies at least 1000 micro-blades) for purposes of providing a larger work area. However, since Claims 68 and 69 depend from amended Claim 64, these claims are believed to be patentable for the same reason as their parent claim 64, as amended.

Claim 85 (which further specifies that the micro-blades are mounted on separate blade supports) was rejected under 35 U.S.C. § 102(b) as being anticipated by Sturtevant and/or under 35 U.S.C. § 103(a) as being an obvious variant of Sturtevant. In regards to the former, we note, as the Examiner admits, that the teeth in Sturtevant are integral with the metal substrate, and are not mounted on separate blade supports, at least insofar as that term can be reasonably construed. In regards to the latter, it would not have been obvious to provide separate blade supports for the teeth in Sturtevant, because the very point of Sturtevant is to provide an improved method for chemically etching teeth, which are necessarily one piece and integral with the substrate.

New Claims 116 - 118 further define the structure of the micro-blades over Sturtevant and the other prior art references.

Claim 116 defines the blade support structure as comprising (1) a blade support

Application No. 09/626,193
Amdt. Dated 10/12/2004
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attached to the substrate and extending above the generally flat upper surface of the substrate, and (2) a blade attached to the blade support and elevated above the upper surface of the substrate. Sturtevant has no such comparable blade support and blade. Claims 117 and 118 being dependent on claim 116 are believed to be patentable for the same reason as above. However, they further distinguish the invention from Sturtevant by reciting additional structural differences that are not found in the reference.

The applicants have disclosed a meritorious and patentable new concept in a multiple micro-blade hair removal device. Reconsideration is respectfully requested and it is asked that the case be passed to issue.

No fees or deficiencies in fees are believed to be owed. However authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any such fees are owed.

Respectfully submitted,

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